REMARKS

The Examiner rejected claims 1-2 and 11-33 under 35 U.S.C. § 102(b) as allegedly being anticipated by US Patent 5,987,415 Breese *et al*; Modeling a User's emotion and Personality in a computer user interface.

The Examiner rejected claims 34-36 under 35 U.S.C. § 103(a) as allegedly being unpatentable over US Patent 5,987,415 Breese *et al*; Modeling a User's emotion and Personality in a computer user interface as applied to claims 1, 11-33 above, and further in view of US Patent 5,848,396 Gerace Method and Apparatus for Determining Behavioral Profile of A Computer User.

Applicants respectfully traverse the §102 and §103 rejections with the following arguments.

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35 U.S.C. §102(b)

The Examiner rejected claims 1-2 and 11-33 under 35 U.S.C. § 102(b) as allegedly being anticipated by US Patent 5,987,415 Breese et al; Modeling a User's emotion and Personality in a computer user interface.

Claims 1-2 and 30

Applicants respectfully contend that Breese does not anticipate claim 1, because Breese does not teach each and every feature of claim 1.

As a first example of why Breese does not anticipate claim 1, Breese does not teach the feature: "logging occurrences of events that are implicitly relevant to deducing a value of a variable of a personality type indicator associated with the user".

The Examiner argues that Breese, col. 11, line 5-9 teach the preceding feature of claim 1.

In response, Applicants note that Breese, col. 11, line 4-9 recites: "Thus, the Bayesian belief network fragment of FIG. 3 indicates (1) the relationship of emotion and personality on expressive style, (2) the probability that a modeled concept will be interpreted as a particular style, and (3) whether the interpretation matches the intent for each component and whether they match on all components".

Applicants contend that the preceding quote from Breese, col. 11, line 4-9 does not teach said "events" and most certainly does not teach "logging" said events. The Examiner has not provided any citation in Breese evidencing that Breese teaches the preceding feature of claim 1.

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As a second example of why Breese does not anticipate claim 1, Breese does not teach the feature: "deducing the value of the variable of the personality type indicator from the logged occurrences of events".

The Examiner argues that Breese, col. 12, line 27-29 teach the preceding feature of claim 1.

In response, Applicants note that Breese, col. 12, line 27-29 recites: "We implement this approach in the network by setting each "Match" node to true."

Applicants contend that the preceding quote from Breese, col. 12, line 27-29 does not teach the feature: "deducing the value of the variable of the personality type indicator from the logged occurrences of events". Applicants respectfully contend that "setting each "Match" node to true" most certainly does not teach "deducing the value of the variable of the personality type indicator from the logged occurrences of events".

As a third example of why Breese does not anticipate claim 1, Breese does not teach the feature: "customizing a presentation of information to the user according to the value of the variable of the personality type indicator".

The Examiner argues that Breese, col. 13, line 31-33 teach the preceding feature of claim 1.

In response, Applicants note that Breese, col. 13, line 31-35 recites: "The policy module 620 can be designed to develop an empathetic agent, whose mood and personality matches that of the user, or a contrary agent, whose emotions and personality tend to be the exact opposite of the user, as two possible examples."

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Applicants contend that the preceding quote from Breese, col. 12, line 27-29 does not teach customizing a presentation of information, as required by claim 1. Moreover, Breese, col. 13, line 31-33 does not disclose that said customizing is according to the value of the variable of the personality type indicator, as required by claim 1. The Examiner has not provided any citation in Breese evidencing that Breese teaches the preceding feature of claim 1.

Based on the preceding arguments, Applicants respectfully maintain that Breese does not anticipate claim 1, and that claim 1 is in condition for allowance. Since claims 2 and 30 depend from claim 1, Applicants contend that claims 2 and 30 are likewise in condition for allowance.

Claims 11-29 and 31-33

Applicants respectfully contend that Breese does not anticipate claims 11, 18, and 23, because Breese does not teach each and every feature of claims 11, 18, and 23.

As a first example of why Breese does not anticipate claims 11, 18, and 23, Breese does not teach the feature: "observing events over the Internet that the user participates in during the session, said events being related to a plurality of personality type variables pertaining to the user".

The Examiner argues that Breese, col. 11, line 5-9 teach the preceding feature of claims 11, 18, and 23.

In response, Applicants note that Breese, col. 11, line 4-9 recites: "Thus, the Bayesian

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belief network fragment of FIG. 3 indicates (1) the relationship of emotion and personality on expressive style, (2) the probability that a modeled concept will be interpreted as a particular style, and (3) whether the interpretation matches the intent for each component and whether they match on all components".

Applicants contend that the preceding quote from Breese, col. 11, line 4-9 does not teach said "events" and most certainly does not teach "said events being related to a plurality of personality type variables pertaining to the user". The Examiner has not provided any citation in Breese evidencing that Breese teaches the preceding feature of claims 11, 18, and 23.

As a second example of why Breese does not anticipate claims 11, 18, and 23, Breese does not teach the feature: "recording a specific value of a personality type variable of the plurality of personality type variables for each event of said events in a log that is associated with the specific value of the personality type variable, resulting in a set of logs comprising a separate log for each specific value of the personality type variable".

The Examiner argues that Breese, col. 12, line 27-29 teach the preceding feature of claim1.

In response, Applicants note that Breese, col. 12, line 27-29 recites: "We implement this approach in the network by setting each "Match" node to true."

Applicants contend that the preceding quote from Breese, col. 12, line 27-29 most certainly does not teach the preceding feature of claims 11, 18, and 23.

Based on the preceding arguments, Applicants respectfully maintain that Breese does not anticipate claims 11, 18, and 23, and that claims 11, 18, and 23 are in condition for allowance. Since claims 12-17 and 31 depend from claim 11, Applicants contend that claims 12-17 and 31 are likewise in condition for allowance. Since claims 19-22, 25-29 and 32 depend from claim 18, Applicants contend that claims 19-22, 25-29 and 32 are likewise in condition for allowance. Since claims 24 and 33 depend from claim 23, Applicants contend that claims 24 and 33 are likewise in condition for allowance.

In addition with respect to claims 12, 19, and 24, Breese does not teach the feature: "deducing a personality type indicator associated with the user, said personality type indicator comprising a best value of each personality type variable of the plurality of personality type variables, said deducing comprising determining from each log of the set of logs the best value of each personality type variable".

The Examiner argues that Breese, col. 13, line 27-29 teaches the preceding feature of claims 12, 19, and 24.

In response, Applicants note that Breese, col. 13, line 27-31 recites: "The policy module 620 is the mapping from the updated probabilities of the emotional states and personality of the user (furnished by the Bayesian user model 610) to the desired emotional state and personality of the agent."

Applicants contend that the preceding quote from Breese, col. 13, line 27-29 most certainly does not teach the preceding feature of claims 12, 19, and 24.

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In addition with respect to claims 13, 20, and 25, Breese does not teach the feature: "wherein determining the best value of each personality type variable comprises executing a majority vote algorithm for each log whose associated personality type variable is a binary variable".

The Examiner argues that Breese, col. 12, line 29-33 and col. 10, lines 35-39 and 53-56 teach the preceding feature of claims 13, 20, and 25.

In response, Applicants respectfully contend that the Examiner's preceding citations from Breese most certainly do not teach the preceding feature of claims 13, 20, and 25. For example, the Examiner's preceding citations from Breese do not even mention "executing a majority vote algorithm" or "each log whose associated personality type variable is a binary variable".

In addition with respect to claims 14, 21, and 26, Breese does not teach the feature: "generating a user record associated with the user, generating comprising inserting the determined personality type indicator into the user record; and storing the user record in the server".

The Examiner argues that Breese, col. 7, line 13-16 teaches the preceding feature of claims 14, 21, and 26.

In response, Applicants note that Breese, col. 7, line 13-16 recites: "The drives and their associated computer-readable media provide nonvolatile storage of computer readable instructions, data structures, program modules and other data for the personal computer 120."

Applicants contend that the preceding quote from Breese, col. 13, line 27-29 most certainly does not teach the preceding feature of claims 14, 21, and 26. For example, the

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preceding quote from Breese, col. 13, line 27-29 does even mention "generating a user record associated with the user".

In addition with respect to claims 15, 22, and 27, Breese does not teach the feature: "retrieving the user record associated with the user; and customizing a content or style of information adapted to be presented to the user; said customizing comprising utilizing the personality type indicator that is in the user record".

The Examiner argues that Breese, col. 13, line 25-35 teaches the preceding feature of claims 15, 22, and 27.

In response, Applicants note that Breese, col. 13, line 25-35 recites: "The linkage between the user and agent network models 610, 640 is embedded in the policy module 620. The policy module 620 is the mapping from the updated probabilities of the emotional states and personality of the user (furnished by the Bayesian user model 610) to the desired emotional state and personality of the agent. The policy module 620 can be designed to develop an empathetic agent, whose mood and personality matches that of the user, or a contrary agent, whose emotions and personality tend to be the exact opposite of the user, as two possible examples."

Applicants contend that the preceding quote from Breese, col. 13, line 25-35 most certainly does not teach the preceding feature of claims 15, 22, and 27. For example, the preceding quote from Breese, col. 13, line 25-35 does even mention "customizing a content or style of information adapted to be presented to the user".

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35 U.S.C. §103(a)

The Examiner rejected claims 34-36 under 35 U.S.C. § 103(a) as allegedly being unpatentable over US Patent 5,987,415 Breese et al; Modeling a User's emotion and Personality in a computer user interface as applied to claims 1, 11-33 above, and further in view of US Patent 5,848,396 Gerace Method and Apparatus for Determining Behavioral Profile of A Computer User.

Since claims 34, 35, and 36 respectively depend from claims 11, 18, and 23 , which Applicants have argued *supra* to not be unpatentable over Breese under 35 U.S.C. §102(b), Applicants maintain that claims 34, 35, and 36 are likewise not unpatentable over Breese in view of Gerace under 35 U.S.C. §103(a).

In addition, Breese in view of Gerace does not teach or suggest the feature: "determining whether the session is sill active; ... if said determining determines that the session is not still active then retrieving the logs and recomputing values for the personality type variables by testing the retrieved logs".

The Examiner argues that Gerace teaches the preceding feature of claims 34-36.

In response, Applicants maintain that Gerace does not teach or suggest " if said determining determines that the session is not still active then retrieving the logs and recomputing values for the personality type variables by testing the retrieved logs". Rather, Gerace, col. 4, lines 12-22 recites:

> In addition, program 31 records the user's selections and his viewing activity with respect to the agate information. In particular, for each piece of displayed agate information, program 31 records the date and time of user viewing and the format

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which the user has selected for viewing. After multiple sessions, a pattern of the user's viewing actions or viewing habits is obtained, from the recorded activity. In turn, certain inferences about the user are made based on the user's viewing habits and the specific pieces of agate information he views, including content and presentation of that information. To that end, for each user the present invention program 31 creates a user profile from the agate information viewing habits of the user.

Based on the preceding quote from Gerace, Applicants assert that Gerace teaches that "certain inferences about the user are made based on the user's viewing habits". However, Gerace does not teach or suggest that the inferences are personality type variables. Moreover, the Examiner has not provided a citation to text in Gerace demonstrating that Gerace discloses "recomputing values for the personality type variables" as required by claims 34-36.

In addition, Applicants maintain that the Examiner has not supplied a legally persuasive argument as to why a person of ordinary skill in the art would modify Breese by the alleged teaching of Gerace in relation to claims 34-36. The Examiner argues: "It would have been obvious to one skilled in the art at the time of invention to combine the. teachings of Gerace with Breese so that they program has a complete log of information required and/or needed to appropriately identify the users personality type."

In response, Applicants contend that established case law requires that the prior art must contain some suggestion or incentive that would have motivated a person of ordinary skill in the art to modify a reference or to combine references. See Karsten Mfg. Corp. V. Cleveland Gulf Co., 242 F.3d 1376, 58 U.S.P.Q.2d 1286, 1293 (Fed. Cir. 2001 ("In holding an invention obvious in view of a combination of references, there must be some suggestion, motivation, or teaching in the prior art that would have led a person of ordinary skill in the art to select the references

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and combine them in a way that would produce the claimed invention"). See also In re Gordon, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984 ("The mere fact that the prior art could be so modified would not have made the motivation obvious **unless the prior art suggested the desirability of the modification**.") The Examiner has not made any showing of where the prior art suggests that "they program has a complete log of information required and/or needed to appropriately identify the users personality type". Thus, the Examiner has provided an alleged motivation for the combination by speculation, and not by teachings of the prior art. By not citing any suggestion or incentive in the prior art for modifying Breese by the alleged teaching of Gerace, the Examiner has failed to establish a *prima facie* case of obviousness in relation to claims 34-36.

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CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0457.

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